

Effective 5/13/2014

13-34-110 Enforcement of contracts or agreements -- Rescission based on defective registration statement.

- (1) A proprietary school may not enforce in the courts of this state a contract or agreement relating to postsecondary education services in this state unless, at the time the contract or agreement was executed, an effective registration statement was on file with the division and made accessible to every applicant at the time of admission to the school.
- (2) It is a violation of this chapter if a proprietary school or the proprietary school's agent:
 - (a) fails to file an effective registration statement;
 - (b) willfully omits from a registration statement provided under Section 13-34-107 a material statement of fact required by this chapter or applicable regulations; or
 - (c) includes in a registration statement any material statement of fact that the proprietary school knew or should have known to be false, deceptive, inaccurate, or misleading.
- (3) A student who enrolled in a proprietary school, in reliance upon the school's registration statement, may rescind the contract or agreement of enrollment and obtain a refund from the school of all tuition, fees, and other charges paid to the school if the school or its agent committed a violation under Subsection (2).
- (4) A violation of this chapter is also a violation of Section 13-11-4.

Amended by Chapter 360, 2014 General Session